

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD YOUNG,)	
Plaintiff,)	Civil Action No. 04 - 407
)	
vs.)	
)	
JEFFREY BEARD; CATHERINE C.)	
MCVEY; DAVID GOOD; CAROL SCIRE;)	
JAMES META; TOM MORANT;)	
JOAN DELIE; EUGENE GINCHEREAU;)	
EDWARD V. SWIERZEWSKI;)	
KENNETH LENTZ; and THOMAS)	
KRACZON,)	
Defendants.)	

ORDER

On April 13, 2004, the above captioned case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 111), filed on November 16, 2006, recommended that Defendants' Motion for Summary Judgment (Doc. No. 101) be granted as to Defendants Beard, McVey, Scire and Delie and denied as to Defendants Good, Meta and Morant. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed Objections (Doc. No. 113) on November 28, 2006, which have been found to be without merit. The objections essentially attempt to reargue issues addressed in the report and recommendation or other orders of court. Plaintiff did not adduce evidence sufficient to establish that defendants Beard, McVey, Scire and Delie personally directed or had actual knowledge and acquiesced in a subordinate's actions. Failure to adduce sufficient evidence of deliberate indifference warrants the grant of summary

judgment in favor of those defendants. See Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)

(“[T]he plain language of Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.”).

Plaintiff also attempts to reargue matters relating to the extension of time granted by the magistrate judge for the filing of the motion for summary judgment. That issue was previously addressed by this court in its order entered on June 6, 2006 (Doc. No. 106). Plaintiff has not raised any basis for this court to reconsider that issue. See Williams v. City of Pittsburgh, 32 F.Supp.2d 236, 238 (W.D. Pa. 1998). After review of the pleadings and documents in the case, together with the report and recommendation, and the objections thereto, the following order is entered:

AND NOW, this **14th** day of December, 2006;

IT IS HEREBY ORDERED that the Motion for Summary Judgment (Doc. No. 101) is **GRANTED** as to Defendants Jeffrey Beard, Catherine McVey, Carol Scire and Joan Delie.

IT IS FURTHER ORDERED that the Motion for Summary Judgment be **DENIED** as to Defendants David Good, James Meta and Tom Morant.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 111) of Magistrate Judge Lenihan, dated November 16, 2006 is adopted as the opinion of the court.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Richard Young
EP-8117
SCI Fayette
Box 9999
LaBelle, PA 15450-0999

Counsel of record.